

CLASSIFICATION OFFICE DECISION

Title of publication: 03.jpg

Other known title(s): Not stated

OFLC ref: 1300933.000

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: The District Court at Dunedin

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 29 October 2013

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The availability of the computer image file is restricted to persons who have attained the age of 18 years because it shows a naked young woman displaying her sexual parts and masturbating. Because of her youth the question of whether the image file promotes or supports the exploitation of young persons for sexual purposes has been considered. However, the young woman does not clearly present as a young person. A ban would therefore be unreasonable. However, because of its explicit sexual nature, the image file requires restriction to adult viewers only.

The classification given to this publication places a limit on the freedom of expression as set out in the New Zealand Bill of Rights Act 1990, but the availability of the file to children and young people is likely to be injurious to the public good. The classification is reasonable, demonstrably justifiable and the minimum required to avoid injury.